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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,226

11/19/2003

Ji-Young Kim

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6919

29880 7590 01/29/2007

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EXAMINER

ROBERTS, LEZAH

ART UNIT

PAPER NUMBER

1614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/717,226

Applicant(s)

KIM ET AL.

Examiner

Lezah W. Roberts

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 158-163 and 165-218 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 158-163, 165-202, 205-209 and 212-218 is/are allowed.
- 6) ☒ Claim(s) 203, 204, 210 and 211 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03 Nov 2006.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Applica.
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This Office Action is in response to the amendment filed November 3, 2006. All previous rejections have been withdrawn unless stated below.

This action is made NON-FINAL.

### *Claims*

#### **Claim Rejections - 35 USC § 102 – Anticipation (New Rejection)**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 203-204 and 210-211 are rejected under 35 U.S.C. 102(b) as being anticipated by McAnalley et al. (US 5,409,703).

McAnalley et al. disclose dried hydrogels as wound dressings. The compositions comprise polyvinyl pyrrolidone (Plasdone) and hydrogen peroxide (Table 2). In regards to claim 211, polyvinyl pyrrolidone may be considered a stabilizer for hydrogen peroxide<sup>1</sup>. In moist macro-environments, such as the mucous membranes of the mouth, respiratory and reproductive tract, the hydrogel will adhere to the lesion or wound (col. 15, lines 22-26), encompassing the instant claims regarding the adhesive properties of

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<sup>1</sup> Breitenbach et al. (US 5,945,032) col. 1, lines 28-30

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the hydrogel. The reference anticipates the instant claims insofar as it discloses an adhesive layer comprising hydrogen peroxide and polyvinyl pyrrolidone.

### ***Allowable Subject Matter***

Claims 158-163, 165-202, 205-209 and 212-218 allowed.

The following is an examiner's statement of reasons for allowance: the instant claims recite the compositions are in a dry state and upon applying to a user's teeth, the patch will become hydrated. The above claims are distinct over the prior art because the prior art does not specifically disclose the components of the instant claims together in a dry state and does not disclose the compositions are hydrated upon contact with the teeth because the strips of the prior art comprise water and therefore do not need to be hydrated once applied to the teeth. In regards to why the claims 158-163, 165-202, 205-209 and 212-218 are allowed and claims 203-204 and 210-211 are rejected, the compositions of the allowable claims are defined as a patch comprising hydrogen peroxide, polyvinyl pyrrolidone; sodium tripolyphosphate and hydroxypropylmethyl cellulose whereas the compositions of the rejected claims are recited as an active ingredient-containing adhesive layer comprising hydrogen peroxide and polyvinyl pyrrolidone, which is not distinct over the prior art and read on the hydrogel disclosed in the above rejection (see rejection above). There is no reason to add the components, sodium tripolyphosphate and hydroxypropylmethyl cellulose to the compositions of the prior art cited *supra*.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 203-204 and 210-211 are rejected.


Claims 158-163, 165-202, 205-209 and 212-218 are allowed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lezah W. Roberts whose telephone number is 571-272-1071. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197. (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Lezah Roberts  
Patent Examiner  
Art Unit 1614

  
Frederick Krass  
Primary Examiner  
Art Unit 1614